

**U.S. District Court Northern District of Indiana [LIVE]  
USDC Northern Indiana (South Bend)  
CRIMINAL DOCKET FOR CASE #: 3:24-mj-00040-MGG-1**

Case title: United States of America v. Cutaia

Date Filed: 06/05/2024

Other court case number: 1:10cr1 Eastern District of New York

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Assigned to: Magistrate Judge  
Michael G Gotsch, Sr

**Defendant (1)**

**Joseph Cutaia**

represented by **Scott J Frankel – FCD**  
Federal Community Defenders Inc – SB/IN  
Northern District of Indiana  
130 S Main St Ste 300  
South Bend, IN 46601  
574-245-7393  
Fax: 574-245-7394  
Email: [scott\\_frankel@fd.org](mailto:scott_frankel@fd.org)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level**  
**(Terminated)**

None

**Complaints**

18 U.S.C. § 1951(a) CONSPIRACY  
TO COMMIT ROBBERY

**Disposition**

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**Plaintiff**

**United States of America**

represented by

**Katelan M Doyle – AUSA**  
 US Attorney's Office – SB/IN  
 M01 Federal Building  
 204 S Main St  
 South Bend, IN 46601–2191  
 574–236–8287  
 Fax: 574–236–8155  
 Email: [katelan.doyle@usdoj.gov](mailto:katelan.doyle@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Government Attorney*

Date Filed	#	Docket Text
06/05/2024	<u>6</u>	COMMITMENT TO ANOTHER DISTRICT as to Joseph Cutaia. Defendant committed to District of Eastern District of New York. Signed by Magistrate Judge Andrew P Rodovich on 6/5/2024. (smb) (Entered: 06/05/2024)
06/05/2024	<u>5</u>	WAIVER of Rule 5 Hearings by Joseph Cutaia (smb) (Entered: 06/05/2024)
06/05/2024	4	INITIAL APPEARANCE – RULE 5(c)(3) as to Joseph Cutaia held 6/5/2024 before Magistrate Judge Andrew P Rodovich via video teleconference. Govt appeared by AUSA Katelan Doyle. Dft appeared with atty Scott Frankel FCD. Dft waives formal reading of rights, charges, advised penalties. Procedural options discussed. Deft waives identity hearing in this district and agrees to be returned to Eastern District of New York for further proceedings. Def REMANDED to custody of US Marshal with order to transport to Eastern District of New York. (#FTR/JEM Courtroom.) (smb) (Entered: 06/05/2024)
06/05/2024	<u>3</u>	Defendant's Consent to Appear by Video Teleconference as to Joseph Cutaia. (eeb) (Entered: 06/05/2024)
06/05/2024	<u>2</u>	ATTORNEY APPEARANCE: Scott J Frankel – FCD appearing for Joseph Cutaia (Frankel – FCD, Scott) (Entered: 06/05/2024)
06/05/2024		Arrest (Rule 5) of Joseph Cutaia (eeb) . (Entered: 06/05/2024)
06/05/2024	<u>1</u>	Rule 5c3 Documents Received as to Joseph Cutaia from Eastern District of New York, case no: 1:10cr0001 (Attachments: # <u>1</u> Probable Cause)(eeb) (Entered: 06/05/2024)

## UNITED STATES DISTRICT COURT

for the

Northern District of Indiana



United States of America

v.

JOSEPH CUTAIA

*Defendant*

)

)

)

)

)

)

Case No. 3:24-MJ-40

Charging District's

Case No. 1:10-CR-10

## COMMITMENT TO ANOTHER DISTRICT

The defendant has been ordered to appear in the Eastern District of New York,  
*(if applicable)* N/A division. The defendant may need an interpreter for this language:  
N/A.

The defendant: ☐ will retain an attorney.☒ is requesting court-appointed counsel.

The defendant remains in custody after the initial appearance.

**IT IS ORDERED:** The United States marshal must transport the defendant, together with a copy of this order, to the charging district and deliver the defendant to the United States marshal for that district, or to another officer authorized to receive the defendant. The marshal or officer in the charging district should immediately notify the United States attorney and the clerk of court for that district of the defendant's arrival so that further proceedings may be promptly scheduled. The clerk of this district must promptly transmit the papers and any bail to the charging district.

Date: 06/05/2024s/Andrew P. Rodovich*Judge's signature*Andrew P. Rodovich, U.S. Magistrate Judge*Printed name and title*

AO 466 (Rev. 12/17) Waiver of Rule 32.1 Hearing (Violation of Probation or Supervised Release)

## UNITED STATES DISTRICT COURT

for the

Eastern District of New York ☐

United States of America )

v. )

JOSEPH CUTAIA )

Defendant )

Case No. 3:24-MJ-40

Charging District's Case No. 1:10CR10

**WAIVER OF RULE 32.1 HEARING**  
**(Violation of Probation or Supervised Release)**

I understand that I have been charged with violating the conditions of probation or supervised release in a case pending in another district, the *(name of other court)* Eastern District of New York ☐.

I have been informed of the charges and of my rights to:

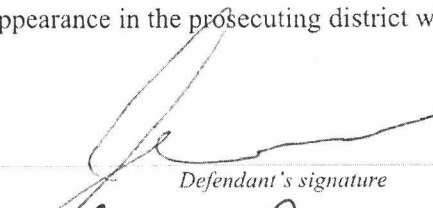
- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of certified copies of the judgment, warrant, and warrant application, or reliable electronic copies of them if the violation is alleged to have occurred in another district;
- (4) a preliminary hearing to determine whether there is probable cause to believe a violation occurred if I will be held in custody, and my right to have this hearing in this district if the violation is alleged to have occurred in this district; and
- (5) a hearing on the government's motion for my detention in which I have the burden to establish my eligibility for release from custody.


I agree to waive my right(s) to:

- ☐ an identity hearing and production of the judgment, warrant, and warrant application.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☒ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my ☐ preliminary hearing and/or ☒ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: 6/5/2024

  
Defendant's signature

  
Signature of defendant's attorney

Scott J. Franke  
Printed name of defendant's attorney

MIME-Version:1.0  
From:CMECFinnd@innd.uscourts.gov  
To:CMECFinnd@localhost.localdomain  
Bcc:  
--Case Participants: Scott J Frankel - FCD (allyson\_king@fd.org, scott\_frankel@fd.org),  
Katelan M Doyle - AUSA (caseview.ecf@usdoj.gov, katelan.doyle@usdoj.gov,  
melanie.bolanger@usdoj.gov, usainn.ecf.criminal@usdoj.gov), Magistrate Judge Michael G  
Gotsch, Sr (michael\_gotsch@innd.uscourts.gov, natalie\_eddy@innd.uscourts.gov,  
sharon\_macon@innd.uscourts.gov, stephanie\_mullaney@innd.uscourts.gov)  
--Non Case Participants: Probation/Pretrial Services (innpml\_cmecf@innp.uscourts.gov), U S  
Marshal (inn.docket-fw@usdoj.gov, inn.docket-sb@usdoj.gov, u27@usms.doj.gov,  
usms.27@usdoj.gov)  
--No Notice Sent:  
  
Message-Id:5280809@innd.uscourts.gov  
Subject:Activity in Case 3:24-mj-00040-MGG United States of America v. Cutaia Initial  
Appearance - Rule 5(c)(3)  
Content-Type: text/html

**U.S. District Court Northern District of Indiana [LIVE]**

**USDC Northern Indiana**

**Notice of Electronic Filing**

The following transaction was entered on 6/5/2024 at 5:34 PM EST and filed on 6/5/2024

**Case Name:** United States of America v. Cutaia

**Case Number:** 3:24-mj-00040-MGG

**Filer:**

**Document Number:** 4(No document attached)

**Docket Text:**

**INITIAL APPEARANCE – RULE 5(c)(3) as to Joseph Cutaia held 6/5/2024 before Magistrate Judge Andrew P Rodovich via video teleconference. Govt appeared by AUSA Katelan Doyle. Dft appeared with atty Scott Frankel FCD. Dft waives formal reading of rights, charges, advised penalties. Procedural options discussed. Deft waives identity hearing in this district and agrees to be returned to Eastern District of New York for further proceedings. Def REMANDED to custody of US Marshal with order to transport to Eastern District of New York. (#FTR/JEM Courtroom.) (smb)**

**3:24-mj-00040-MGG-1 Notice has been electronically mailed to:**

Scott J Frankel – FCD    scott\_frankel@fd.org, allyson\_king@fd.org

Katelan M Doyle – AUSA    katelan.doyle@usdoj.gov, Caseview.ECF@usdoj.gov,  
melanie.bolanger@usdoj.gov, usainn.ecf.criminal@usdoj.gov

**3:24-mj-00040-MGG-1 Notice has been delivered by U.S. Mail or other means to:**

Case 3:24-mj-00040-MGG Document 3 Filed 06/05/24 Page 1 of 1

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

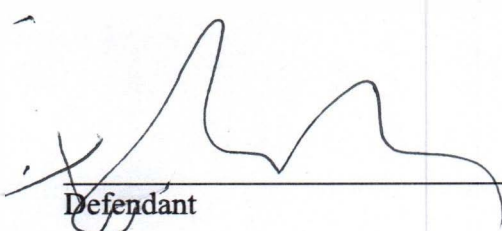
United States of America,	)	Charging District: Eastern District of New York
	)	Case No.: 1:10cr00010
Plaintiff,	)	<b>DEFENDANT'S CONSENT</b>
vs.	)	<b>TO APPEAR BY VIDEO</b>
	)	<b>TELECONFERENCE</b>
JOSEPH CUTAIA	)	
Defendant.	)	Case No. 3:24-mj-40- MGG

You will be appearing before a federal judge in the United States District Court for the Northern District of Indiana. While you have the right to appear in person before a federal judge, you can waive that right and consent to a hearing by video teleconference. If you consent, the court's video teleconferencing equipment will permit you to see and speak with the federal judge by video teleconference rather than appearing in person.

By signing this form you are giving your consent to allow the court proceedings or hearings (the Initial Appearance, and/or Arraignment,) to be conducted by video teleconference, and waiving your right to appear in person before the federal judge.

**I understand that by signing this form, I am providing my consent for court proceedings to be conducted by video teleconference as provided for in Rules 5 and 10 of the Federal Rules of Criminal Procedure. This consent is provided freely and voluntarily and no threats or promises have been made to compel me to sign this form.**

Dated: 6/5/2024

  
\_\_\_\_\_  
Defendant

s/ Scott J/. Frankel

\_\_\_\_\_  
Defendant's Attorney (if applicable)